

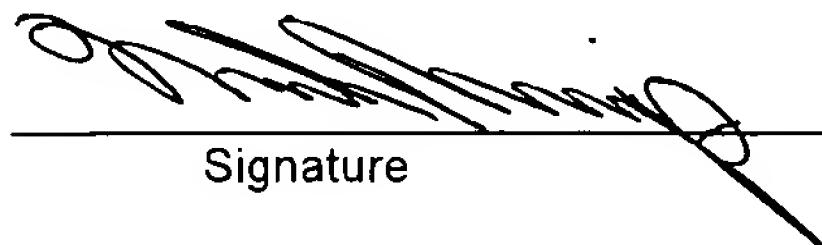
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial no.: 09/728,748
Filing date: 12/02/2000
For: Veronica Plant named 'Glory'
Inventor: Philpott
Atty. Docket no.: PH17
Group Art Unit: 1661
Examiner: Para

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. §1.181

TO WITHDRAW THE HOLDING OF ABANDONMENT

Dear Sir:

This is in response to the Petition Decision mailed on May 21, 2004.

The petitioner respectfully requests reconsideration of this decision.

The response that was filed on November 26, 2001 included a response to the Request for Information under 37 CFR 1.105. The response included information known to the Applicant regarding the public use and availability of the subject plant variety in the United States. At the time, since these types of rejections were new and the rejection was based upon section 102b, information regarding the public use and availability of the subject plant variety outside of the United States did not seem to be relevant to a rejection under 102b.

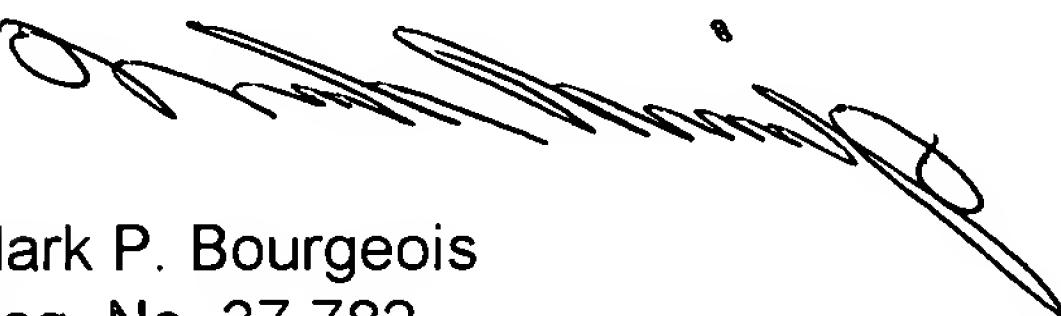
It appears that there was no announcement to applicants or practitioners that such a new patent examination policy was in effect. It appears there were no formal examination guidelines describing this new examination policy in the M.P.E.P. at the time of the rejection.

It would seem reasonable in view of the new policy to inform the applicant of the missing required information and allow the applicant to respond. Issuing a notice of abandonment because the date the amendment and response was reviewed was after 6 months does not seem to be fair in view of the changes to the patent office examination policy.

For the convenience of the examiner, applicant hereby provides the information that was indicated as missing from the amendment and response. Veronica 'Glory' was first sold in the United Kingdom in May of 1998.

It is believed that the response that was filed on November 26, 2001 was a *Bona Fide* response. All of the information requested has now been provided. The applicant respectfully requests that the active status of this application be acknowledged and the holding of abandonment be withdrawn.

Respectfully submitted,



Mark P. Bourgeois
Reg. No. 37,782